

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 249 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

HEIRS OF BHAILALBHAI I PATEL

Versus

HEIRS OF BHAILABHAI JESINGBHAI

Appearance:

MR DM SHAH for Appellants

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 19/08/97

ORAL JUDGEMENT

This appeal is directed against the order dated July 8, 1996 passed by the learned Civil Judge (S.D.), Nadiad below application ex. 30 in Special Civil Suit No. 295 of 1984. The plaintiff filed the present suit for recovery of Rs. 76,000/- from the appellants -defendants. By the order under appeal, the trial court required the defendants to furnish the security for the amount of Rs. 40,000/-.

2. The appellants-defendants have challenged the aforesaid order. While admitting the appeal, this Court granted ad-interim stay of the order under appeal after hearing the other side. The ad-interim stay has continued to operate till this date. In view of the facts and circumstances of the case, since the interim stay granted by this Court in the year 1986 is operating, it would be just and proper to continue the same till the disposal of the suit. In the result, the appeal is allowed and the operation of the order under appeal is set aside.

3. However, since the suit was filed in the year 1984, the trial court is directed to hear and decide the suit latest by December, 31, 1997.

4. In terms of the aforesaid directions, the appeal is disposed of with no order as to costs.

[M.S. SHAH, J.]

Amp/-